

9



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,991	01/23/2001	Miyuki Sasaki	P20481	4070

7055 7590 10/17/2005

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT PAPER NUMBER

2166

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,991

Applicant(s)

SASAKI ET AL.

Examiner

Srirama Channavajjala

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-32 are pending in this application.
2. Claims 1-27 have been amended [8/18/2005].
3. Examiner acknowledges applicant's amendment filed on 8/18/2005.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/05/2005 has been entered, and a non-final Office action mailed on 5/18/2005.
5. Claims 1,5-6,10-11,15-16,20-21,25-26 have been amended [4/5/2005].
6. Claims 28-32 have been added [4/5/2005].
7. Examiner acknowledges applicant's response under 37 CFR 1.111 filed on 8/13/2004.
8. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/2004 has been entered paper no. # 16.

Art Unit: 2166

9. Examiner acknowledges applicant's amendment filed on 3/29,2004, 4/29/2004, papers 13 and 16 respectively.

10. Claims 1,3,5-6,8,10-11,13,15-16,18,21,23,25-27 have been amended, paper no.13.

Drawings

11. Drawings filed on 3/31/2004 acceptable for examination purpose..

Priority

12. Acknowledgment is made of applicant's claim for priority under 35 U.S.C.

119(a)-(d) based upon an application filed in **Japan application no.10-252161, filed on 7 September 1998, Japan 10-208902, filed on 24 July 1998**, PCT/JP99/03950 was filed on July 23, 1999.

Information Disclosure Statement

13. The information disclosure statement filed on 8/5/2003, paper no. # 6 and 9/10/2003, paper no. # 9 have been considered and a copy was enclosed to this office action, paper no. # 10.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

15. Claims 1-2,6-7,11-12,16-17,21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. [hereafter Kikuchi], US Patent No. 5870523.

16. As to claims 1, 6,11,16, 21, Kikuchi et al. teaches a system which including 'a data storage medium for recording and reproducing a file managed using a volume/file structure' [col 7, line 31-36, col 9, line 55-59, col 10, line 9-10, fig 1, fig 4], Kikuchi specifically teaches optical disk reproducing apparatus that reproduces data from optical disk as detailed in fig 1, file managed using volume/file structure corresponds to Kikuchi's volume and file structure as detailed in fig 4, col 9, line 55-57; 'the data storage medium storing data content' [fig 1, element 10 optical disk]; it is further noted that optical disk element 10, fig 1, having volume and file structure format is based on ISO 9660 standards

Art Unit: 2166

'address information for a root directory' [col 10, line 1-8, col 13, line 24-32], Kikuchi specifically teaches hierarchical structure containing both volume and file structure element 70 and a video manager element 71, further Kikuchi also teaches volume manager information table [see fig 8] having start address and end address that represent number of logical blocks as detailed in col 13, line 24-32; root directory corresponds to hierarchical structure as detailed in fig 4;

'root directory file management information that includes start address information for an unrecorded area existing in a volume space' [col 10, line 1-4, line 20-28, col 13, line 25-32], Kikuch specifically teaches recorded area for example video title sets 72 is recorded, while other unrecorded areas are also part of fig 4, element 73; 'the root directory file management information being configured to be updated when a new file is recorded on the data storage medium' [col 10, line 29-42]; 'storing new root directory file management information in the unrecorded area for which start address information is recorded' [col 13, line 55-67].

17. As to claims 2,7,12,17,22, Kikuch disclosed 'start address information is recorded using an indirect entry that manages a root directory file recording area' [col 15, line 3-6, 15-22].

Art Unit: 2166

18. Claims 3-4, 8-9, 13-14, 18-19, 23-24, 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima et al. [hereafter Nakajima], US Patent No. 5832088, filed under 371 on April 5, 1996, published on Nov 3, 1998.

19. As to claims 3,8,13,18,23, Nakajima teaches a system which including 'a data storage medium for recording and reproducing a file managed using a volume/file structure the data storage medium storing data content' [col 8, line 4957, line 61-67, col 12, line 28-32, 42-50, fig 1]], Nakajima specifically teaches data storage medium for recording and reproducing data that corresponds to fig 1, CD-ROM;

'address information for a root directory' [col 13, line 56-67, fig 1], Nakajima is directed to retrieval data, specifically data structure having root directory, child directory, corresponding volume descriptor, and position of the volume descriptor in relation with root directory address in accordance with ISO9660 standard;

'invalid data not used for retrieving volume/file structure data' [col 7, line 16-20], in valid data corresponds to Nakajima's invalid data;

'root directory file management information, the root directory file management information comprising invalid extent management information that manages an invalid data recording area' [col 6, line 62-65, col 17, line 54-61, fig 1, fig 5], Nakajima specifically teaches data structure having volume descriptor, path table, root directory as detailed in fig 5, further, Nakajima also specifically teaches invalid data recording area especially fig 5D, it is also noted that Nakajima suggested setting the invalid data

Art Unit: 2166

on an effective data management file as an invisible attribute as detailed in col 6, line 62-65.

20. As to claims 4,9,14,19,24, Nakajima disclosed 'invalid extent management information is recorded using an allocation descriptor that manages a root directory file recording area' [col 6, line 62-67, col 7, line 16-18, fig 1, fig 5].

21. As to claim 28-32, Nakajima disclosed 'invalid extent management information is used to identify large invalid data recording areas to be used as file recording areas' [col 6, line 62-67, col 7, line 16-19].

Art Unit: 2166

22. Claims 5,10,15,20,25-27 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent No. 5687397, filed on Feb 15,1994 and published on Nov 11, 1997.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

23. As to claims 5,10,15,20,25-27, Ohmori teaches a system which including 'a data storage medium for recording and reproducing a file managed using a volume/file structure the data storage medium storing data content' [col 2, line 10-15, col 3, line 31-36], Ohmon teaches recording and reproducing information management as detailed in col 3, line 31-36;

'address information for a file set descriptor' [col 8, line 41-44, line 47-49], Ohmori teaches files containing management information as detailed in col 8, line 41-44;

'root directory file management information that is plurality recorded as main chaining information' [col 8, line 27-38], Ohmon specifically teaches D-UTOOC is a root directory containing child directory and data files as detailed in col 8, line 27-38; 'the reserve chaining information being a duplicate of the main chaining information' [col 10, line 13-18], Ohmon specifically teaches reserving certain addresses for example start and end addresses for non-audio data or specifically type of audio file that corresponds to reserve chaining information having particular address;

'first address information, corresponding to an area in which the main chaining information; [col 9, line 46-50]; 'reserve chaining information are recorded at a beginning

Art Unit: 2166

of a volume space, that is recorded as part of the file set descriptor' [col 9, line 60-64, col 10, line 13-18];

'second address information, corresponding to an area in which the main chaining information' [col 14, line 12-14]; 'the reserve chaining information is update recorded, that is recorded as part of the main chaining information and the reserve chaining information' [col 9, line 60-64, col 10, line 13-18, col 12, line 11-18].

Response to Arguments

24. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record

- | | | |
|----|---------------|----------------|
| a. | US Patent No. | 5870523 |
| b. | US Patent No. | 5832088 |
| c. | US Patent No. | 5687397 |


25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC
Patent Examiner.
October 13, 2005.


SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER